



Civil Defence Act 1939

1939 CHAPTER 31

PART III

PRIVATE SHELTERS AND TRAINING IN CERTAIN FACTORIES, MINES AND BUILDINGS.

15 Power of occupier or owner to execute works.

- (1) Subject to the provisions of this Part of this Act as to appeals and notices, the occupier of any factory premises, the owner of any mine and the owner of any commercial building may execute any works for the purpose of providing shelter of the approved standard in the premises, or, in the case of a mine or commercial building, in any part of the mine or building or on any land appurtenant to the mine or building.
- (2) Before commencing any such works, the occupier of any factory premises who is not the owner of the whole of the premises and the owner of any commercial building who is not the occupier of the whole of the building shall serve upon the persons hereinafter mentioned a notice in writing stating his intention to provide shelter of the approved standard, specifying with such particularity as the occupier or owner thinks reasonably necessary the nature and situation of the shelter, and specifying the number of persons that the shelter is to be constructed to accommodate.
- (3) The said notice shall, in the case of factory premises, be served on the immediate landlord of the occupier, or, where he holds different parts of the premises under different landlords, on each of his immediate landlords, and, in the case of a commercial building, shall be served on—
 - (a) every lessee of the whole or any part of the building whose lease is immediately derived from the estate or interest of the owner; and
 - (b) the occupier of the building, or, where different parts of the building are occupied by different persons, each of those persons.
- (4) Where the occupier of factory premises or the owner of a commercial building holds any part of the premises or building on lease, he shall, before commencing any such works, serve upon his immediate landlord, or where he holds different parts of the premises or building under different landlords, on each of his immediate landlords, such a notice as is mentioned in subsection (2) of this section, and each person upon

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whom such a notice or a copy thereof is served in satisfaction of an obligation imposed by this subsection, shall within seven days from the date of the service of the notice or copy himself serve a copy thereof upon his immediate landlord or landlords, if any :

Provided that, where the occupier of factory premises has, under the said subsection (2) served a copy of a notice on any person, the service of that notice shall be treated as satisfying his obligation under this subsection to serve a notice on that person.

- (5) The rights conferred by this section on the occupier of factory premises, the owner of a mine and the owner of a commercial building shall be exercisable by him notwithstanding any limitation on his interest in the premises, mine or building or any agreement or restrictive covenant to the contrary, and notwithstanding, in the case of the owner of a commercial building, that he is not in occupation of the part of the building, or the land affected, and the person who exercises any such right shall not be liable to pay damages for anything done by him which is reasonably necessary for the due exercise of the right.